

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

ERIC FARETRA,

Plaintiff,

v.

JOHN KEITH and CHAMPS SPORTS  
SHOPS OF MASSACHUSETTS, INC.,

Defendants.

Case No. 1:04-CV-11133-MLW

**JOINT STATEMENT**  
**PURSUANT TO LOCAL RULE 16.1**

Pursuant to Local Rule 16.1 of the United States District Court for the District of Massachusetts and in compliance with the Court's Order of March 10, 2005, Plaintiff Eric Faretra ("Plaintiff") and real defendant in interest Armel, Inc.<sup>1</sup> ("Defendant") (together, the "Parties"), hereby submit their Joint Statement in the above-captioned action.

1. **JOINT DISCOVERY PLAN**

a. Depositions and Written Discovery

The parties agree to complete all written discovery and depositions by November 11, 2005. The parties agree to limit the number of fact depositions to ten (10) depositions for each side, pursuant to Local Rule 26.1(C). Any party that wishes to take more than ten depositions may not do so without permission of the Court. The limit on depositions set forth above shall not prevent any party from seeking a protective order, where appropriate, to preclude or limit any particular deposition.

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1 In his state-court Complaint, plaintiff sues Champs Sports Shops of Massachusetts, Inc. In fact, Champs Sports Shops of Massachusetts, Inc. no longer exists as a corporation. It was dissolved in or around December 1990.

b. Expert Depositions

In addition to the fact depositions, the Parties may also take expert depositions if necessary. Disclosure of expert witnesses shall be in accordance with applicable rules.

c. Written Discovery

The Parties agree to comply with the discovery event limitations set forth in Local Rule 26.1(C).

2. PRE-TRIAL SCHEDULE / SCHEDULE FOR FILING MOTIONS

The Parties have agreed to the following pre-trial schedule:

- i. All fact discovery completed by November 11, 2005.
- ii. All Fed. R. Civ. P. Rule 56 motions to be filed by December 9, 2005.
- iii. All Oppositions to Rule 56 motions to be filed within 20 days after filing of the Rule 56 motion being responded to.
- iv. All Rule 56 motions to be heard by January 20, 2006.
- v. Plaintiff's Expert Report to be served by August 5, 2005.
- vi. Defendant's Expert Report to be served by September 5, 2005.
- vii. All expert discovery to be completed by October 3, 2005.
- viii. Trial to be conducted in April 2006.
- ix. A Pre-Trial Conference to be held, if appropriate, twenty-one (21) days after a decision on any Rule 56 motion.

3. CERTIFICATIONS

The parties certify that they have conferred with a view to establishing a budget for the costs of conducting the full course of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

4. MAGISTRATE JUDGE

Pursuant to Local Rule 16.1(B)(3), the parties do not agree to proceed before a Magistrate Judge on any matter in this action.

Respectfully submitted,

ERIC FARETRA  
*Plaintiff*  
By his attorneys

ARMEL, INC.  
*Defendant*  
By its attorneys

/s/ Darin M. Colucci  
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Dated: April 26, 2005

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Dated: April 26, 2005

ERIC FARETRA

ARMEL, INC.

/s/ Eric Faretra

/s/ Sheilagh Clarke  
Authorized Representative

Dated: April 26, 2005

Dated: April 26, 2005